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**Jim Ryan**

ILLINOIS ATTORNEY GENERAL

**NEWS
RELEASE****TOP PROSECUTORS SUE TO
SPEED MERCURY CLEAN-UP**For Immediate Release
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CHICAGO -- Top state and county prosecutors filed a five-count lawsuit today in Cook County Circuit Court against Nicor Inc. and two contractors in an attempt to compel a swift and effective clean-up of mercury contamination in northern Illinois.

In filing the suit, Illinois Attorney General Jim Ryan, Cook County State's Attorney Richard A. Devine and DuPage County State's Attorney Joseph Birkett said that court action was necessary to ensure the hazardous material is removed quickly and properly from homes, buildings and junkyards in northern Illinois counties outside Chicago.

Since mercury was first discovered in a home in northwest suburban Mount Prospect on July 24, the contamination problem has been determined to possibly affect 200,000 homes, more than a dozen junkyards and at least two Nicor service centers.

"People in northern Illinois deserve certainty as to the scope and resolution of this troubling contamination," said Attorney General Ryan, who formed a task force of state and federal agencies on Aug. 23 to assist in the evaluation and clean-up efforts. "I'm not satisfied with the pace of Nicor's work. We want the court to compel quicker answers and quicker action."

"We are asking the court to order that Nicor clean up these mercury-laced homes, clean up contaminated sites and clean up its act," said Cook County State's Attorney Devine.

"The right of every person in this state to a healthful environment requires us to take this action," commented DuPage County State's Attorney Birkett. "This complaint alleges that scores of homeowners and their families have already been victimized."

The suit is also supported by the Illinois Environmental Protection Agency. IEPA Director Tom Skinner said, "Nicor has created a mess in northern Illinois that is potentially dangerous to human health and the environment. It has violated multiple state laws and

regulations. Now Nicor must deal with the consequences, starting with a rapid and thorough clean-up."

In the lawsuit, the state and counties allege that Illinois-based Nicor, Pennsylvania-based Henkels & McCoy, Inc., and Minnesota-based Northern Pipeline Construction Co. endangered the public health and welfare, caused air pollution, caused open dumping, improperly disposed of waste and created a public nuisance.

Prosecutors are asking for an immediate injunction order setting forth a swift and supervised assessment and clean-up program. The suit also seeks civil penalties of \$50,000 for each violation of law and additional penalties of \$10,000 per day for those violations.

The suit asks the court to require Nicor to:

- immediately notify and screen all homes, junkyards and service centers potentially affected by mercury contamination;
- clean-up those homes, junkyards and service centers according to a schedule agreeable to federal, state and county agencies;
- cooperate fully with federal, state and county agencies. That includes providing sample results, daily status reports and access for government experts and consultants to examine assessment and clean-up progress;
- provide health screenings to any potentially affected persons;
- cease removal of any mercury regulators until proper procedures have been put in place and approved by plaintiffs;
- provide a plan for proper disposal or recycling of mercury contained in the regulators;
- underwrite a fund or surety bond with the Cook County Circuit Court Clerk to cover the costs of reimbursement to residents for relocation or repairs.

Attorney General Ryan said the task force headed by his office will continue to meet regularly to monitor the mercury contamination situation. The task force includes representatives from the United States Environmental Protection Agency, the IEPA, the Illinois Department of Public Health, the Cook County State's Attorney's office, the DuPage County State's Attorney's office, the Illinois Commerce Commission, the Illinois Poison Control Center and the Agency for Toxic Substances and Disease Registry.

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